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EXAMINER

HARRIS, CHANDA L

ART UNIT PAPER NUMBER

3715

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,341

Applicant(s)

BERMAN, DENNIS R.

Examiner

Chanda L. Harris

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/4/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the arguments filed 11/4/05, Claims 1-39 are pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claimed invention does not provide a practical application that entails transforming an article or physical object to a different state or thing. In addition, the claimed invention does not produce a useful, concrete, and tangible result.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 6, 8-15, 19, 21-28, 32, and 34-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath (US 2004/0009462) in view of Fujino et al. (US

6,755,662). The rejections from the previous office action are maintained and are incorporated herein by reference.

1. [Claims 1,14,27]: Regarding Claims 1,14, and 27, McElwrath discloses a program storage device, the program storage device (i.e., learning system database) containing computer readable instructions, that when executed by a computer, perform the following act: requesting a Web server to serve a Web document/image (i.e., homepage), the Web document/image including a plurality of objects that provide the ability to select (i.e., click on) one training course/training session from a plurality (i.e., menu) of training courses/training sessions. See p.29, [0633]. McElwrath discloses at least one of the plurality of training courses including a plurality of questions and a plurality of answers. See p.16, [0353].

McElwrath does not disclose expressly in addition to the plurality of answers, a plurality of keywords that form a part of the answers. However, Fujino teaches such (i.e., Keywords extracted from the questions and answers are recorded in "Question keyword" and "Answer keyword.") in Col.4: 31-32. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate a plurality of keywords that form a part of the answers into the method and system of McElwrath, in light of the teaching of Fujino, in order to enable a student to select a question compatible with his/her own question.

2. [Claims 2,15,28]: Regarding Claims 2,15, and 28, McElwrath discloses an element (i.e., title) that indicates that one of the plurality of training courses is available. See p.29, [0633].

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3. [Claims 6,19,32]: Regarding Claims 6,19, and 32, McElwrath discloses wherein the Web document includes an element that indicates that one of the plurality of training courses (i.e., modules within a course) was previously completed by a user. See p.10, [0189].

4. [Claims 8,21,34]: Regarding Claims 8, 21, and 34, McElwrath discloses wherein the Web document includes an element that identifies the title of at least one training course. See p.29, [0633].

5. [Claims 9,22,35]: Regarding Claims 9,22, and 35, McElwrath discloses wherein the element is one of the plurality of objects. See p.29, [0633].

6. [Claims 10-11, 23-24,36]: Regarding Claims 10-11,23-24, and 36 McElwrath discloses wherein the Web document includes an element that identifies the number of questions (i.e., 120 questions) in at least one training course and wherein the element is one of the plurality of objects. See p.8, [0143].

7. [Claims 12-13, 25-26]: Regarding Claims 12-13 and 25-26, McElwrath discloses wherein at least one training course from the plurality of training courses includes at least one session and wherein the Web document includes an element (i.e., session number) that identifies the number of sessions in the at least one training course. See p.33, [0738].

8. [Claim 37]: Regarding Claim 37, McElwrath discloses wherein the at least one training session from the plurality of training sessions includes at least one part and wherein the Web document includes an element that identifies the number of parts (i.e., modules) in the at least one training session. See p.24, [0556].

9. [Claim 38]: Regarding Claim 38, McElwrath discloses wherein the at least one training session from the plurality of training sessions includes at least one training day and wherein the Web document includes an element that identifies the number (i.e., twenty days) of training days in the at in the at least one training session. See p.10, [0191-0192].

10. [Claim 39]: Regarding Claim 39, McElwrath discloses wherein the Web document includes an element (i.e., calendar) that identifies the number of training days completed in the at least one training session. See p. 11, [01920 and [0200].

Claim 3-5,16-18, and 29-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath/Fujino as applied to claims 1,2,14,15, and 28 above, and further in view of Sullivan et al. (US 6,662,365).

1. [Claims 3,16,29]: Regarding Claims 3,16, and 29, McElwrath/Fujino does not disclose expressly wherein the element is an icon having the shape of an unlocked padlock. However, Sullivan teaches the concept of using padlock icons in Col.7: 12-26. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an icon having the shape of an unlocked padlocked into the method and system of McElwrath/Fujino, in light of the teaching of Sullivan, in order to indicate the status of a menu selection item.

2. [Claims 4-5,17-18,30-31]: Regarding Claims 4-5,17-18, and 30-31, McElwrath/Fujino does not disclose expressly wherein the Web document includes an element that indicates that one of the plurality of training courses is unavailable and wherein the

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element is an icon having the shape of a locked padlock. However, Sullivan teaches such in Col.7: 12-26. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate the aforementioned limitations into the method and system of McElwrath/Fujino, in light of the teaching of Sullivan, in order to provide an iconic indication of the status of a menu selection item.

Claims 7,20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over McElwrath/Fujino as applied to claims 6, 19 and 32 above, and further in view of Beavers et al. (US 2004/0002049).

[Claims 7,20,33]: Regarding Claims 7,20, and 33, McElwrath/Fujino does not disclose expressly wherein the element is an icon having the shape of a check. However, Beavers teaches such (i.e., checkmark icon) on p.14, [0148]. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to incorporate an icon having the shape of a check into the method and system of McElwrath/Fujino, in light of the teaching of Beavers, in order to indicate what selection was made.

Response to Arguments

Applicant's arguments have been fully considered but they are not persuasive. This action is made NON-FINAL in light of the new grounds of rejection stated above. Applicant argues that the combination of McElwrath and Fujino et al. does not teach all of the elements of Claims 1,14, and 27. Applicant submits that Fujino et al. does not disclose at least one of the plurality of training courses/sessions including a plurality of

questions, a plurality of answers, and, in addition to the plurality of answers, a plurality of keywords that form a part of the answers. Further, Applicant alleges that in Fujino et al., the disclosed FAQ questions, answers and answer keywords are not a part of the disclosed educational course or not included in an educational course. However,

Examiner disagrees:

After a student starts taking a course and when the student has a question to ask, the student conducts a FAQ search to obtain a question which accurately expresses what he/she wants to ask. Col.4: 13-17 (emphasis added)

When a request for starting a course is received from a student (A2), a level of the student is judged (A3). By comparing the judged student's level and the FAQ level, the FAQ suitable for the student is presented. Col.4: 46-49 (emphasis added)

Thus, Fujino et al. does disclose FAQ questions, answers and answer keywords as part of the disclosed educational and as being included in an educational course. Therefore, the combination of McElwrath and Fujino et al. does disclose all of the elements of Claims 1, 14, and 27.

Applicant alleges that Fujino et al. separates the FAQs from the educational courses. However, Examiner disagrees. Applicant is directed to the previous response that references citations in Fujino et al. that clearly indicate that the FAQs are not separated from the educational courses. Thus, Examiner maintains that it is proper to combine Fujino et al. with McElwrath.

Applicant alleges that combining McElwrath with Fujino et al. changes the principle operation of McElwrath. However, Examiner disagrees. Examiner relies on Fujino et al. solely for the teaching of at least one of the plurality of training courses including a plurality of keywords that form a part of the answers. This modification does


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not change the principle operation of McElwarth. Therefore, the teaching of Fujino et al. is sufficient to render the claims prima facie obvious. Furthermore, the rejection from the previous office action is maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanda L. Harris
Primary Examiner
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